

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL NO. 1:06CR25

UNITED STATES OF AMERICA)

)

)

VS.)

)

)

DAVID ALLEN TATE)

)

ORDER

THIS MATTER is before the Court on the Defendant's motion *in limine* to preclude the introduction of certain evidence at trial.

Defendant claims that evidence found during a search on his home, *i.e.*, cocaine and drug paraphernalia, should not be introduced during trial based on Federal Rule of Evidence 404(b). Since the Government has not filed a notice that it intends to offer such evidence, the motion is premature.

The Defendant also seeks to preclude the evidence as unduly prejudicial, citing a Ninth Circuit case and other cases from the District of Columbia Circuit. It is first noted that when citing law before this Court, law

from the Fourth Circuit should be cited. If no such precedent is found, counsel should seriously consider the validity of the motion.

In any event, the motion is premature. The Court will rule on the prejudicial impact of any such evidence at such time as it may be offered.

IT IS, THEREFORE, ORDERED that the Defendant's motion *in limine* is hereby **DENIED**.

Signed: July 6, 2006

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

